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09/707,015	11/06/2000	Arik Elberse	476-1955	8187

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BARNES & THORNBURG
P.O. BOX 2786
CHICAGO, IL 60690-2786

EXAMINER
LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/707,015	ELBERSE ET AL.
	Examiner	Art Unit	
	Arrienne M. Lezak	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3 and 5-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3 and 5-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Examiner notes that Claims 1 & 2 have been substantively Amended,

Claim 12 has been non-substantively amended, and Claim 10 has been

Amended to overcome a rejection under 35 U.S.C. 112. Claims not explicitly

addressed herein are found to be addressed within prior Office Action dated 23

December 2004 as enumerated herein below.

Claim Rejections - 35 USC § 112

1.   Examiner notes that per Examiner's suggestion, Applicant has amended

Claim 10 to provide proper antecedent basis, and as such, rejection of the same

under 35 U.S.C. 112 has been withdrawn.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 10 and 12-20 are rejected under 35 U.S.C. 102(e) as being

anticipated by US Patent US 6,466,966 B1 to Kirsch.

4.   Regarding Claims 10, 12-15, 17 & 18, Kirsch discloses a method, system,

apparatus and computer program for using a web-browser to pass information

from a first web-entity a second web-entity, said web-browser being separate

from said first and second web-entities and said first web-entity having no

information about any of the second web-entities, (Figs. 5 & 6; Col. 13, lines 6-

67; Col. 14, lines 1-8; and Claims 1-56), said method comprising the steps of:

- receiving a pre-specified address of a redirection server, together with

  additional information, from the first web-entity at the web-browser,

  (Col. 13, lines 6-21);

- forwarding an address of the second web-entity to the redirection

  server from the web-browser such that the redirection server redirects

  the web-browser to the second web-entity, (Col. 13, lines 21-34); and

- passing the additional information from the web-browser to the second

  web-entity, (Col. 13, lines 35-43).

Therefore, this reference may reasonably be read to teach or describe every

element or claim limitation of Claims 10, 12, 15 and 18.

5.   Regarding Claims 13, 14 and 17, Kirsch further discloses a

communication network web-based information system, (per pending Claim 13),

with at least one redirection server, (per pending Claim 14), wherein a web-entity

is a web-server arranged to redirect the web-browser, (per pending Claim 17),

(Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; and Claims 1-56). Therefore,

this reference may reasonably be read to teach or describe every element or

claim limitation of Claims 13, 14 and 17.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

7.   Claims 1-3, 5-9, 11, 16, 19 & 20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent US 6,466,966 B1 to Kirsch in view of US

Patent 6,070,191 to Narendran.

8.   Regarding Newly Amended Claim 1, Kirsch is relied upon for those

teachings disclosed herein above. As noted above, Kirsch discloses a method,

system, apparatus and computer program for using a web-browser to pass

information from a first web-entity a second web-entity, said web-browser being

separate from said first and second web-entities and said first web-entity having

no information about any of the second web-entities, (Figs. 5 & 6; Col. 13, lines

6-67; Col. 14, lines 1-8; and Claims 1-56), said method comprising the steps of:

- receiving a pre-specified address of a redirection server, together with

    additional information, from the first web-entity at the web-browser,

    (Col. 13, lines 6-21);

- forwarding an address of the second web-entity to the redirection

  server from the web-browser such that the redirection server redirects

  the web-browser to the second web-entity, (Col. 13, lines 21-34); and

- passing the additional information from the web-browser to the second

  web-entity, (Col. 13, lines 35-43).

9.   Though Kirsch does teach the passing of information from a first web-

entity to a second web-entity, Kirsch does not specifically teach the passing of

information from one of a plurality of first web-entities to a second web-entity.

Narendran discloses the passing of information from a first web-entity to a

plurality of second web-entities, (Abstract; Fig. 1; and Claims 25-43).

10.   To incorporate the ability to pass information from one of a plurality of first

web-entities to a second web-entity into the Kirsch invention would have been

obvious to one of ordinary skill in the art at the time of invention by Applicant, as

noted within the very nature of a redirection server(s). In particular, the ability to

redirect information using a server allows one to forward information, as needed,

to a resource capable of performing a given operation on said information. It

would be obvious, (in light of the ability to redirect one set of information, as

noted within Kirsch), to redirect numerous sets of information between numerous

servers as user needs require.

11.   Examiner further notes that the Narendran invention specifies the

redirection of information to document servers, however, Examiner believes the

incorporation of other databases maintaining telephone and television program

information would also have been obvious in light of the teaching of a document

database generally. In other words, the nature of the database is non-determinative of Applicant's invention and thus the substitution of Applicant specified database information into an invention disclosing a database property is obvious and thus, not novel. Therefore, Newly Amended Claim 1 is considered unpatentable over the combined teachings of Kirsch in view of Narendran.

12.   Regarding Newly Amended Claim 2 and Original Claim 3, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a communication network web-based information system, (per pending Claim 2); wherein a web-entity is a web-server, (information receiver), arranged to redirect the web-browser, (Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; and Claims 1-56). Therefore, Newly Amended Claim 2 and Original Claim 3 are unpatentable over the combined teachings of Kirsch in view of Narendran.

13.   Regarding Claims 5-7, 9 & 11, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a method wherein additional information and the address of the second web-entity is forwarded to the redirection server, (per pending Claim 5); wherein additional information comprises a telephone number and the second web-entity is a node in a telecommunications network, (per pending Claims 6 and 11); wherein the additional information comprises television program information and the second web-entity is a video recorder, (per pending Claim 7); and wherein said additional information comprises instructions for an action to be performed at the second web-entity, (per pending Claim 9), (Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines

1-8; and Claims 1-56). Therefore, Claims 5-7, 9 & 11 are unpatentable over the combined teachings of Kirsch in view of Narendran.

14.   As noted herein above, Examiner finds the use of particular-type database information, such as but not limited to: telephone number lists, television program information, and any and all instruction for performance of further actions, to be obvious in light Kirsch. Examiner further finds that the same argument may be made concerning network type, as applied to Applicant's invention. In other words, the use of a telecommunications network would have been obvious in light of the communications network disclosed in Kirsch. Further, Kirsch discloses the redirection of data generally, which data encompasses those types specified by Applicant. Moreover, Examiner notes that "additional information" could be still considered to be any data, (Col. 7, lines 51-55). Therefore, Claims 5-7, 9 & 11 are found to be unpatentable over the combined teachings of Kirsch in view of Narendran.

15.   Regarding Claims 8 & 16, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a method wherein the address of the second web-entity is forwarded to the re-direction server in a cookie from the web-browser, (Col. 5, lines 8-59; Col. 12, lines 19-64; Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; & Claims 1-56). Examiner further notes that Kirsch's use of "cookies" renders obvious Applicant's application of the same. Therefore, Claims 8 & 16 are also found to be unpatentable over the combined teachings of Kirsch in view of Narendran.

16.   Regarding Claims 19 & 20, Kirsch discloses a method wherein cookies,

(embedded objects) are generated for each of an information receiver, and a

redirection server, said method comprising accessing the information receiver

using the web-browser; and automatically redirecting the web-browser to the

redirection server, (per pending Claim 19); and automatically redirecting the web-

browser to one or more additional redirection servers, (per pending Claim 20),

(Col. 5, lines 8-59; Col. 12, lines 19-64; Figs. 5 & 6; Col. 13, lines 6-67; Col. 14,

lines 1-8; & Claims 1-56). Examiner further notes that Kirsch's use of "cookies"

renders obvious Applicant's application of the same. Therefore, Claims 19 & 20

are also found to be unpatentable over the combined teachings of Kirsch in view

of Narendran.

Response to Arguments

17.   Applicant's arguments filed 22 March 2005, have been fully considered but

they are not persuasive. Applicant's arguments do not comply with 37

CFR 1.111(c) because they do not clearly point out the patentable novelty which

he or she thinks the claims present in view of the state of the art disclosed by the

references cited or the objections made. Further, they do not show how the

amendments avoid such references or objections.

18.   Applicant's arguments, dated 28 July 2004 with respect to the rejection of

claim 10 under 35 U.S.C. §112 have been fully considered and are persuasive.

Therefore, the rejection requiring an antecedent basis has been withdrawn.

19.   In response to Applicant's argument that Narendran fails to show certain features of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e., "a redirection server with no knowledge of all destination servers") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner notes that the claims enumerate "a first web-entity having no information about any of the second web-entities", which has nothing to do with the redirection server having no information. Further, Examiner is unaware of where this limitation concerning the redirection server is recited within the specification. Moreover, Examiner notes that mere recitation that the redirection server has no knowledge about second web entities is still addressed by Narendran, which uses a statistical approach to routing redirections.

20.   Regarding Applicant's argument that Claim 1 of Kirsch contravenes the primary objective of Applicant's invention by providing a reference to the second server system encoded within the URL, Examiner respectfully disagrees noting, (per Claims 1-56), that the predetermined URL is <u>provided to</u> the client in response to client selection of something, (i.e.: an ad – per Claims 52-56), wherein <u>at the time the client makes said selection</u>, said client clearly and obviously has no knowledge of the second server system. Additionally, Examiner notes the use of "cookies" within Kirsch, (Col. 12, lines 33-35). Finally, as noted herein above, Narendran clearly teaches the passing of information from one of a plurality of first web entities to a second web entity.

21.   Thus, as Examiner has completely addressed Applicant's amendment,

and finding Applicant's arguments do not show how the amendments and

reconsideration of the same avoids such references or objections, Examiner

hereby maintains the rejection of all claims in their entirety.

22.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

23.   A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Arrienne M. Lezak whose telephone number

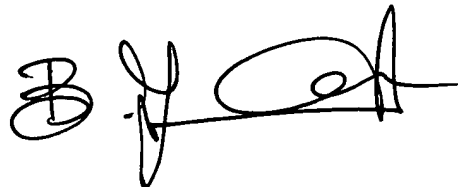is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

AML

BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER